

**PROGRAMMATIC AGREEMENT AMONG
CONNECTICUT DEPARTMENT OF HOUSING, AND
CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT,
CONNECTICUT STATE HISTORIC PRESERVATION OFFICER
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING DISASTER RECOVERY ACTIVITIES IN CONNECTICUT**

WHEREAS, the U.S. Department of Housing and Urban Development (hereinafter, HUD) has allocated supplemental Community Development Block Grant-Disaster Recovery funds (hereinafter, CDBG-DR) to the Connecticut Department of Housing (hereinafter, DOH) under the Disaster Relief Appropriations Act of 2013 (Pub. L. 113–2) for the purpose of assisting recovery in the most impacted and distressed areas declared a major disaster due to Hurricane Sandy; and

WHEREAS, HUD has unique statutory authority to delegate its environmental compliance responsibilities promulgated at 24 CFR Part 58 to State, tribal, and local governments including obligations under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. §§ 470 *et seq.*, hereinafter, Act) and its implementing regulations 36 CFR Part 800; and,

WHEREAS, DOH has assumed the role of Responsible Entity on behalf of the HUD, and makes assistance, including CDBG-DR, available to communities, its citizens, Federally recognized Indian Tribes (Tribes) and other entities; and

WHEREAS, DOH has determined that implementing the CDBG-DR program will result in Undertakings (as that term is defined by 16 U.S.C. § 470w and 36 C.F.R. § 800.16(y)) that may affect historic properties listed in or eligible for the National Register of Historic Places (NRHP), and DOH has consulted with the Connecticut State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act (NHPA), Pub. L. No. 89-665 (1966) (codified as amended at 16 U.S.C. § 470f) (Section 106) and Section 110(f) of the NHPA (codified as amended at 16 U.S.C. § 470h-2), and Section 106's implementing regulations at 36 C.F.R. Part 800; and

WHEREAS, DOH shall invite the participation of consulting parties that have a consultative role in the Section 106 process include, but are not limited to the following: Federally recognized Indian tribes, representatives of local governments, county and municipal historic preservation commissions including those established under the Certified Local Governments program, the Public, and individuals and organizations who, due to the nature of their legal or economic relation to the undertaking, or their concern with the undertaking's effects on historic properties, demonstrate a legitimate interest.

WHEREAS, DOH has determined that implementation of these Programs will result in undertakings that may have an effect on historic properties that have religious and cultural significance to the Mashantucket Pequot Tribal Nation and Mohegan Tribal Nation (Tribes). DOH has contacted the Tribes, notifying them of HUD's involvement in Hurricane Sandy disaster recovery, of the collective desire and intent of the signatories to address section 106 compliance programmatically, to notify them of the types of undertakings pursued under the disaster recovery program and to solicit their views on which types of undertakings may have potential to affect properties of interest to them and how they wish to be consulted upon them, and finally to review and comment upon the Programmatic Agreement in the capacity of a concurring party; and,

WHEREAS, DOH, SHPO, and will identify other interested parties including but not limited to Certified Local Governments (hereinafter CLGs) and initiate consultation with them on a case-by-case basis, and shall involve the Public by disseminating information about those undertakings and their effects on historic properties in a proper and timely fashion and will seek public participation by utilizing HUD procedures for soliciting public involvement found at 24 CFR Part 58.43; 58.45-46; 58.59 and other applicable sections of that part.

WHEREAS, given the magnitude of Connecticut's recovery effort and the immediate need for governmental assistance, DOH, SHPO, and ACHP have agreed that consultation and compliance for undertakings enabled by CDBG-DR funds should be addressed programmatically in order to effectively and expeditiously meet regulatory obligations; and,

WHEREAS, this Programmatic Agreement (PA) is being developed to address Superstorm Sandy recovery efforts, it is also meant to address future disasters which may receive Community Development Block Grant-Disaster Recovery funds; and

NOW THEREFORE, DOH, DECD, the SHPO, and the ACHP as signatories, agree that, upon execution of this PA, the disaster recovery undertakings funded by the CDBG-DR program shall be implemented in accordance with the following stipulations in order to take into account the effects of these undertakings on historic properties.

STIPULATIONS

DOH will ensure that the following stipulations are implemented.

I. DOH RESPONSIBILITIES

- A. DOH shall use federal, state, or contractor staff whose qualifications meet The Secretary of the Interior's Professional Qualifications Standards 1983 (Secretary's Professional Qualifications) as set forth in the Federal Register at 48 Fed. Reg. 44716-01 (September 29, 1983), as amended from time to time, to make determinations of NR eligibility and effect. DOH shall consult with SHPO for guidance on any questions regarding the Professional Qualifications on individuals, as needed. DOH acknowledges that federally recognized Tribes possess special expertise in assessing the National Register eligibility of properties with religious and/or cultural significance to them. Tribal leaders and, as appropriate, their representatives shall decide who meets qualifications/standards as defined by their Tribes.
- B. DOH shall ensure that the procedures for project-specific consultation, historic properties identification and evaluation, assessment of effects, and mitigation of adverse effects are implemented in accordance with the procedures outlined in Appendix A.
- C. DOH shall ensure that the criteria for exclusion from SHPO review, as outlined in Appendix C, are being applied accurately and consistently, and shall consult SHPO, as necessary, to resolve any questions regarding the criteria or their application to CDBG-DR undertakings.

- D. DOH shall ensure that all historic properties located within flood plain that will be elevated above the Base Flood Elevation will follow the SHPO guidelines and recommendations as outlined in Appendix G & H.
- E. DOH shall ensure that appropriate interim controls, as allowed by 24 CFR Part 35.1330, shall be implemented in lieu of full lead-based paint abatement in all historic properties when such procedures are deemed by the RE and the SHPO to be practicable and feasible.”
- F. DOH will not approve funding for a project that has not completed the Section 106 process as implemented through this agreement.
- G. DOH shall consult directly with SHPO and the National Park Service (hereinafter NPS) on all undertakings involving National Historic Landmarks in accordance with 36 CFR Part 800.11.
- H. If DOH is informed that a National Historic Landmark (NHL) site has been damaged as a result of a specific declared Stafford Act major disaster or emergency, DOH shall promptly notify the SHPO, the Secretary of the Interior’s (Secretary’s) NHL Program Manager at the National Park Service (NPS) Regional Office in Philadelphia, PA and the HUD FPO.
- I. DOH shall invite the participation of consulting parties. This applies to all undertakings with the exception of those that are exempt under HUD regulations (24 CFR Part 58.34) or are categorically excluded as being not subject to review of the laws listed at 24 CFR Part 58.5 in accordance with 24 CFR Part 58.35(b), and those exempt from SHPO review as itemized in Appendix C. Parties that have a consultative role in the Section 106 process include, but are not limited to the following: Federally recognized Indian tribes, representatives of local governments, county and municipal historic preservation commissions including those established under the Certified Local Governments program, the Public, and individuals and organizations who, due to the nature of their legal or economic relation to the undertaking, or their concern with the undertaking’s effects on historic properties, demonstrate a legitimate interest.

II. SHPO RESPONSIBILITIES

- A. SHPO shall review DOH’s National Register eligibility determinations and DOH’s effect findings and provide comments within the timeframes required by this Agreement, per the procedures defined in Appendix A.
- B. SHPO shall expedite review and consultations subject to this agreement, and will provide comments and recommendations as early as feasible within the specified timeframes.
- C. SHPO may identify staff or consultants to assist DOH staff with its Section 106 responsibilities, and identify, in coordination with DOH, specific activities that the SHPO may perform at DOH’s request for specific projects.

- D. SHPO may delegate some or all of his/her responsibilities under this Agreement to Liaison(s). Liaisons are not required to be members of SHPO staff. SHPO shall confer with DOH about the selection of SHPO Liaisons, the scope of responsibilities delegated, and the implementing procedures related to the actions and decisions delegated. DOH and SHPO shall formally document their agreement regarding SHPO Liaisons.
- E. If, as a result of a specific declared Stafford Act major disaster or emergency, SHPO staff is unable to meet the demands of the situation, SHPO will consult with DOH at the earliest possible time to seek a solution.
- F. SHPO shall participate in initial disaster scoping coordination for each declared Stafford Act major disaster or emergency.
- G. When requested during recovery operations, SHPO staff will be available as resources and for informal consultation through written requests, telephone conversations or electronic media.
- H. SHPO shall consult with DOH if a specific undertaking has the potential to cause adverse effects to a historic property which cannot be appropriately mitigated through the standard treatments identified in Appendix D due to the scale and magnitude of the anticipated project effects, the exceptional significance of the affected historic property, or the association of the affected historic property with the religious and cultural traditions of a defined community. Such circumstances may include substantial objections raised by other consulting parties. When SHPO and DOH concur that the standard treatments are inappropriate, SHPO shall consult immediately with DOH to efficiently identify appropriate resolutions to avoid, minimize, and/or mitigate such adverse effects in accordance with 36 CFR Part 800.6, including the execution of a project specific Memorandum of Agreement to resolve the anticipated adverse effect(s).
- I. SHPO shall consult with DOH, as needed or requested by DOH, to identify administrative improvements to the procedures established in Appendix A where such improvements are consistent with this agreement and the respective roles of the signatories under Section 106.

III. ACHP RESPONSIBILITIES

- A. The ACHP will provide guidance and advisory information and will consult with DOH and others, as appropriate, to resolve disputes or address public comments that may occur during the implementation of this Agreement.
- B. The ACHP will provide information on preservation issues of concern, including consultation and policy guidance, within the declared disaster area.

IV. TIMING OF CONSULTATION

- A. *Consultation on Flood Recovery Projects.* DOH shall ensure that consultation pursuant to this agreement has been completed prior to the approval of any individual or block grant.
- B. *Retroactive Review of Categorically Excluded Activities.* There is no SHPO consultation for categorically excluded activities listed in Appendix C.II that are begun prior to grant

approval. DOH shall cite the applicable exclusion within the environmental document and proceed as directed by 24 CFR Part 58.

- C. *Retroactive Consultation and Resolution of Adverse Effects on Previously Documented Historic Properties.* DOH shall consult directly with the SHPO and other consulting parties to resolve adverse effects caused by recovery actions implemented by grant recipients prior to the approval of a grant. Reversal of the effects to restore National Register eligibility shall be the preferred mitigation strategy when judged to be prudent and feasible. DOH and SHPO shall consider other approaches to mitigation when reversal is not an option including allowance under Stipulation IV.D., below.
- D. *Retroactive Consultation and Resolution of Adverse Effects on Undocumented Historic Properties.* The signatories to this agreement recognize the inevitability of adverse effects on undocumented historic properties caused by actions taken by recipients prior to grant approval. The SHPO and DOH have agreed to devise acceptable mitigation for the collective, unidentified adverse effects within one year of the execution of this agreement. The final terms shall be memorialized in a Letter of Agreement among the SHPO and DOH.

V. UNANTICIPATED DISCOVERIES

- A. *Human Remains.* Connecticut state law affords protection for all burials, regardless of cultural affiliation. DOH shall provide to grantees and/or contractors engaged by DOH for any CDBG-DR-funded earthmoving activity the guidance provided in Appendix F of this agreement.
- B. *Archaeological material (non-mortuary related)* DOH shall ensure that the following procedures are followed in the event that archaeological deposits are encountered during project construction:
 - 1. All ground disturbing activities in the immediate area shall cease immediately and appropriate and practical steps shall be implemented to secure the site and the SHPO shall be notified of the discovery.
 - 2. SHPO will inspect the site within 48 hours of notice and consult with DOH immediately upon completing its field assessment.
 - 3. DOH, in consultation with SHPO and any federally recognized Tribes for whom the site may have religious or cultural significance, shall determine the National Register eligibility of the affected resource.
 - 4. If DOH, with SHPO concurrence, determines that the archaeological resource is ineligible for the National Register, work may recommence immediately.
 - 5. If DOH determines that the archaeological site is eligible for listing in the National Register, DOH, SHPO, and other consulting parties shall consult to develop a feasible plan to avoid, protect, recover information, or destroy without data recovery.
 - 6. DOH shall document the proposed treatment plan and submit such plan to SHPO and any other consulting parties for comment. The consulting parties shall have seven (7) days to comment on the Plan from the time of their receipt.

DOH may implement the Plan if SHPO or the other consulting parties fail to respond within the specified period or with the concurrence of such parties is provided sooner.

- C. ***Adverse effects upon Architectural Properties.*** The DOH shall ensure that the following procedures are observed in the event that post-review effects to historic buildings, objects, or districts are identified.
- a. Work in the affected area shall cease and DOH shall notify SHPO of the discovery.
 - b. An architectural historian retained by DOH will inspect the work site and determine the extent and magnitude of the effects upon the property within 48 hours of its discovery. DOH shall provide its determination of effect and report of the consulting historian's findings to the SHPO who shall have 7 working days to provide comments.
 - c. Upon assessment of adverse effect, DOH shall submit a plan for after-the-fact mitigation to the SHPO for review and comment. DOH will notify all consulting parties of the unanticipated discovery and provide the mitigation proposal for their consideration. The SHPO and consulting parties will have seven (7) calendar days to provide comments on the mitigation proposal upon its receipt. DOH may implement the proposed mitigation plan if SHPO fails to respond within the allotted timeframe.
 - d. Work in the affected area shall resume upon either upon:
 - i. Agreement by DOH and SHPO that the effects are not adverse; or,
 - ii. The development and implementation of an appropriate mitigation plan, or agreement among DOH and the SHPO that the site does not warrant mitigation.

VI. DISPUTE RESOLUTION.

- A. Should any signatory to this agreement object to any actions proposed or the manner in which the terms of this agreement are implemented, DOH shall consult with such party to resolve the objection.
- B. If DOH determines that such objection cannot be resolved, then the DOH will:
 - 1. Forward all documentation relevant to the dispute, including the DOH's proposed resolution, to the Council. The Council shall provide the DOH with its advice on the resolution of the objection within fifteen (15) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, DOH shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the Council and/or signatories and provide them with a copy of this written response. DOH will then proceed according to its final decision.
 - 2. If the Council does not provide its advice regarding the dispute within the fifteen (15) day period, then the DOH may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, DOH shall prepare a written response that takes into account any timely comments regarding the dispute from

the signatories to the agreement, and provide them and the Council with a copy of such written response. DOH's final decision on the dispute will be provided on a schedule compatible with all internal and external review as may be determined necessary by DOH.

3. The responsibilities of the PA signatories to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remain unchanged.

VII. REPORTING

- A. DOH shall provide the signatories with an annual report for the previous fiscal year on October 1st of each year that this Agreement is in effect. This annual report will summarize the actions taken to implement the terms of this Agreement, including:
 1. A summary of projects reviewed using Categorical Excluded Activities (Appendix C) and a listing of projects requiring a cultural resources survey and/or individual consultation;
 2. A summary of projects reviewed pursuant to Stipulation V.C:
 3. The number of properties added to state cultural resource inventories;
 4. A summary of archaeological activities;
 5. A summary of new agreement documents executed and treatment measures undertaken; and
 6. Recommendations for additional actions that could be considered for inclusion as Categorical Exclusions in Appendices B & D.

VIII. AMENDMENT

- A. If any signatory to the Agreement determines that an amendment to this Agreement must be made, the signatories will consult for thirty (30) days to seek amendment of the Agreement. An amendment to this PA, exclusive of the appendices, shall be effective only when it has been signed by the signatories.
- B. Appendix B (CDBG-DR Programs), Appendix C (Categorically Excluded Activities) Appendix D (Standard Treatments) and Appendix G (Guidance on Elevating Historic Properties) may be amended at the request of DOH or other signatory party in the following manner:
 1. DOH, on its own behalf or on behalf of another signatory, shall notify all signatories to this Agreement of the intent to add to or modify the current lists of DOH Programs, Categorical Exclusions, Treatment Measures or Guidance on Elevating Historic Properties and shall provide a draft of the updated Appendix or Appendices to all signatories.
 2. If no signatory party objects in writing within thirty (30) days, the DOH Regional Administrator will date and sign the amended Appendix or Appendices and provide a copy of the amended Appendix or Appendices to all signatories.

- C. Revisions to the appendices of this agreement shall not require notification and review by the ACHP. However, DOH shall provide the ACHP with a copy of the finalized version.

IX. TERMINATION AND DURATION

- A. If any signatory to this agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to amend the agreement per Stipulation III.A, above. If, within thirty (30) days resolution through amendment cannot be reached, any signatory may terminate the agreement upon written notification to the other signatories.
- B. Upon termination, and prior to working continuing on undertakings referenced in this agreement, DOH must either execute a new agreement pursuant to 36 CFR Part 800.6, or request, take into account, and respond to the comments of the ACHP under 36 CFR Part 800.7. DOH shall notify the signatories at to the course of action it will pursue.

This Agreement shall remain in effect from the date of execution for a period not to exceed seven (7) years, unless otherwise extended pursuant to Stipulation VI.C.2.

X. EXECUTION OF THE AGREEMENT

A. Execution and Implementation

1. Execution of this Agreement and implementation by DOH evidences that DOH has afforded the ACHP a reasonable opportunity to comment on DOH's administration of all referenced Programs pursuant to DOH's authorities described on page 1 of this Agreement, and that DOH has taken into account the effects of the CDBG-DR program on historic properties.
2. Execution and Implementation of this Programmatic Agreement evidences that the State of Connecticut Department of Housing (DOH) has taken into account the effects of its undertaking on historic properties, and that through the execution of the Agreement, the DOH will satisfy its responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations for the referenced CDBG-DR Program.
3. This Agreement may be executed in counterparts, with a separate page for each signatory, and DOH will ensure that each party is provided a complete copy, including all appendices. This Agreement will become effective on the date of the last signature.

**PROGRAMMATIC AGREEMENT AMONG
CONNECTICUT DEPARTMENT OF HOUSING, AND
CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT,
CONNECTICUT STATE HISTORIC PRESERVATION OFFICER**

STATE OF CONNECTICUT DEPARTMENT OF HOUSING

By: _____ Date: _____
Evonne Klein, Commissioner

**PROGRAMMATIC AGREEMENT AMONG
CONNECTICUT DEPARTMENT OF HOUSING, AND
CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT,
CONNECTICUT STATE HISTORIC PRESERVATION OFFICER**

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

By: _____ Date: _____
Catherine H. Smith, Commissioner

**PROGRAMMATIC AGREEMENT AMONG
CONNECTICUT DEPARTMENT OF HOUSING, AND
CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT,
CONNECTICUT STATE HISTORIC PRESERVATION OFFICER**

STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Daniel T. Forrest, State Historic Preservation Officer

**PROGRAMMATIC AGREEMENT AMONG
CONNECTICUT DEPARTMENT OF HOUSING, AND
CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT,
CONNECTICUT STATE HISTORIC PRESERVATION OFFICER**

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

By: _____ Date: _____
John M. Fowler, Executive Director

APPENDIX A

Part I. PROCEDURES FOR PROJECT REVIEW (See Chart 1).

The process for standard project reviews covered under this agreement has been distilled down to the four principal steps discussed below. Other steps may be involved depending on the nature, location, and complexity of specific undertakings and the types of historic properties involved. The procedures documented below reflect the collective knowledge of DOH and SHPO gained through consultation for the CDBG-DR program and the largely redundant project effects to historic properties in Connecticut. The objective of the signatories is to establish an effective streamlined review process that utilizes standardized protocols and documentation and leverages knowledge gained through prior consultations between the signatory state agencies. Occasionally, exceptional circumstances will arise for specific undertakings that will require deviation from the procedures. Such circumstances will be resolved on a case-by-case basis with the same underlying intent of effective and streamlined consideration of an undertaking's effects on historic properties.

These procedures reflect extensive consultations between DOH and SHPO for the CDBG-DR program, the results of on-going SHPO survey of the areas affected by the disaster, on-going SHPO consultations with other state and federal agencies involved in disaster recovery efforts, and coordination with the State's Long Term Recovery Committee regarding both recovery efforts and preparation for future disasters. DOH and SHPO's prior consultations on CDBG-DR undertakings provide a substantial basis for assessing the general potential for the funded projects to affect historic properties. Several important observations can be made considering routine projects under this program, including:

- A. Extensive prior ground disturbance has affected a significant majority of the areas subject to CDBG-DR-funded earthmoving activities. This is related to the high building density and intensive construction and reconstruction (from previous storm events and expansion of housing developments) along the shoreline in the areas most heavily damaged by the disaster. Areas within ten (10) feet on an existing building foundation are considered extensively disturbed unless otherwise indicated by field inspections;
- B. The majority of historic properties affected by CDBG-DR undertakings, particularly in the Town of Milford, are associated with early 20th century neighborhoods composed of vernacular buildings with limited decorative details, narrow roadways, and distinctive characters resulting from the original establishment of the communities as private beach associations. Such historic districts have long been home (or summer home) to families of modest economic means – a character which they have to a great extent retained. Continuity of such communities is an important aspect of the historical significance of the affected historic districts and that continuity is threatened by the extensive physical damage done to many neighborhoods;
- C. DOH and SHPO concur that resiliency from future storm events is a critical public need and that appropriate steps to improve the resiliency of affected historic properties serves a priority housing need, a public safety concern, and an important preservation interest of the state and its citizens.
- D. The majority of adverse effects to historic properties caused by CDBG-DR projects can appropriately be mitigated through standard measures based on the redundancy of the anticipated effects, the comparability of historic contexts and types of historic properties

affected, and the pressing public need for efficient administration of the federal and state recovery programs.

The following procedures implement a review process to, as early as feasible, identify those undertakings which will have “no effects to historic properties” or “no adverse effects” to historic properties and those undertakings which will clearly have an “adverse effect” to one or more historic property, but for which standard mitigation measures can effectively resolve those effects. It is DOH’s and SHPO’s experience that these classes of projects comprise the significant majority of all CDBG-DR undertakings. Early and appropriate determinations regarding these classes of projects makes the best use of available staff resources at both agencies, and most critically, provides for an efficient use of the CDBG-DR funding to address important public needs.

Therefore, to the extent of its legal authority, and in coordination with SHPO, DOH shall implement the following measures:

I. GENERAL

A. DETERMINE IF THE UNDERTAKING IS EXCLUDED FROM SECTION 106 REVIEW

The signatories have agreed the certain defined and undefined activities have no potential to affect or very limited potential to adversely affect historic properties and may therefore be excluded from further consideration under Section 106 review. The listed exclusions include those activities that by their very nature have no potential to adversely affect historic properties, such as relining existing water or sewer pipes or weather stripping. Also excluded are actions which, by virtue of their circumstances, have no potential to adversely affect historic properties. Examples of the former type of exclusions are activities involving buildings of less than 50 years in age and that don’t involve earthmoving actions. An example of the latter type of action would be the installation of a new sewer line in the same place (same footprint) as an existing sewer line.

STEP 1. APPLY CATEGORICAL EXCLUSIONS

The first step in the review process is to determine whether or not a project is excluded from review. Appendix C documents the categories and types of activities funded through the CDBG-DR program which shall be excluded from further consideration under Section 106.

If a project qualifies as an excluded activity, then DOH shall document their finding in the project administrative file, including the specific basis of the exclusion by reference to the appropriate section(s) of this appendix. This concludes DOH’s responsibilities for compliance with the terms of the agreement. If the project does not fulfill the exclusion criteria established in Appendix C, then DOH shall proceed to Step 2 of the process.

STEP 2. DEFINE THE PROJECT SCOPE AND DETERMINE THE AREA OF POTENTIAL EFFECTS (APE).

Clearly defining the scope of work for each project is critical to assessing its potential to affect historic properties. The regulations governing the Section 106 process define the “Area of Potential Effects” as: “...*the geographical area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The areas of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking*” (36 CFR Part 800.16(d)). As an example, the construction of a 150-foot tall monopole telecommunications tower may

require the disturbance of only a small area and therefore the area of potential direct effects may be quite limited. When we look at the height of the tower and its potential to affect the visual character of the surrounding area, we may have to consider a much broader area of potential indirect effects.

It is the signatories experience with CDBG-DR projects that the vast majority of the associated undertakings will have readily defined Areas of Potential (Direct) Effects that correspond with the physical limits of the proposed work or the legal parcel on which the project will occur. The Area of Potential (Indirect) Effects generally corresponds with the surrounding parcels immediately adjacent (abutting) to the proposed project. Although this will not always be the case, the majority of undertakings will involve repair, rehabilitation, and improvements to enhance resiliency of residential properties in a manner consistent with on-going and comparable alterations of adjacent properties within the same neighborhood.

STEP 3. – IDENTIFY AND EVALUATE HISTORIC PROPERTIES WITHIN THE AREAS OF POTENTIAL EFFECTS AND ASSESS PROJECT EFFECTS

Once the scope of work and APE of a project have been defined and if that project includes earthmoving activities, DOH shall consult with the CT SHPO Archaeological Inventory, access to which SHPO provides to DOH with appropriate conditions preventing the dissemination of information which poses a substantial risk of harm to such resources (per 16 USC 470w-3). The purpose of consulting the archaeological inventory is to determine if a known archaeological resource has been reported within or adjacent to the project APE and may therefore be affected. If there are reported archaeological resources within the APE or within one hundred (100) feet of the exterior boundary of the APE, DOH shall include this information in the submittal described below. No review of the archaeological inventory is required if the project includes no proposed or anticipated ground disturbance.

For projects which primarily pertain to the repair, rehabilitation, reconstruction, or demolition of residential, commercial or government buildings, subsequent to consulting the archaeological inventory, and through its electronic application system, DOH will automatically send SHPO recent photographs of the four building elevations (facades), copies of the assessors' field cards and the scope of work for each project that does not fall within the exceptions to review, as defined in Appendix C. Where building elevations are a planned activity, DOH will also provide to SHPO the height of such elevations. Through this system, SHPO may request from DOH plans and specifications for individual projects when such are needed in order to complete SHPO's review.

For all other non-excluded projects, DOH shall provide to SHPO the planned scope of work, including available plans and specifications, recent photographs sufficient to document the existing conditions of the property, and pertinent information on the age and historic use, if known, of any affected facilities, structures, or buildings. The scope of work will include a delineation of the areas of anticipated ground disturbance, if any such disturbance is planned. DOH and SHPO may consult to determine the most efficient means of non-residential (e.g. infrastructure) project submittal, including via DOH's electronic application system.

SHPO shall respond to DOH within **21 days** of receiving the above-referenced information with recommendations for any additional efforts to identify historic properties within the APE, and/or the SHPO's opinion as to whether the project has the potential to affect historic properties located within the APE. Supplemental identification efforts may include archaeological reconnaissance surveys conducted by qualified professional archaeologists when a project has a significant potential to affect National Register-eligible archaeological resources. Any such investigations

must be completed before STEP 3 is concluded.

When SHPO and DOH concur that information submitted to SHPO is sufficient to assess the project effects to historic properties, SHPO shall provide to DOH its written recommendations as to those effects within the 21 day review period. If SHPO recommends, and DOH determines that, either, no historic properties will be affected by an undertaking, or, that the undertaking will have no adverse effects to historic properties, DOH's responsibilities to consider historic properties under this agreement will be concluded.

If it is SHPO's opinion that a specific project may adversely affect one or more historic properties, SHPO will also provide specific recommendations to DOH for standard mitigation measures as described in Appendix D, where appropriate. If, in consideration of SHPO's comments, DOH determines that the undertaking will have an adverse effect to one or more historic properties, DOH shall proceed to STEP 4.

If SHPO does not respond to DOH with its comments for a project within the specified timeframes established above, DOH may make its determination regarding the effects of that project on historic properties and proceed with the process. If DOH determines that no historic properties will be affected or that no adverse effects to historic properties will result from the project, DOH responsibilities under this agreement for that project will be concluded. If DOH determines that the project will result in an adverse effect to historic properties, DOH shall proceed to Step 4.

If DOH and SHPO do not concur on either the National Register eligibility of properties within a project APE, DOH may elect to obtain a determination of eligibility from the Keeper of the National Register in accordance with 36 C.F.R. § 800.4(c)(2). If DOH and SHPO do not concur on the potential effects of the project on historic properties, the two parties shall consult as soon as feasible to resolve the dispute. If the dispute is not resolved within seven (7) calendar days following the initiation of consultation to resolve the dispute, DOH shall refer the matter to the ACHP per Section IV.B.

STEP 4. RESOLVE ADVERSE EFFECTS & IMPLEMENT MITIGATION MEASURES

The majority of projects covered under this agreement will not advance to Step 4. However, some will. If at the conclusion of Step 3 DOH determines that the project will result in adverse effects to historic properties, then measures must be implemented to avoid, minimize, and/or mitigate those effects.

Due to the redundant nature of the undertakings funded through the CDBG-DR and the foreseeable nature of potential adverse effects, DOH and SHPO have consulted to develop standard mitigation measures to address anticipated findings of adverse effects to historic properties. No such list of standard measures can encompass all possible outcomes of consultation, however, the signatories concur that a significant majority of alterations to historic properties under this program can be appropriately and effectively resolved through the implementation of one or more of the measures described in Appendix D.

Once DOH and SHPO have consulted with all interested parties and have agreed upon the most appropriate measures to address project adverse effects, they shall be formalized in a Letter of Agreement (LOA) drafted by DOH and signed by DOH and SHPO. Once the LOA has been executed, the mitigation measures shall be implemented according to the terms of the LOA. Copies of the fully executed LOA shall be provided to all of the signatory parties. The Section 106 compliance obligations will have been met upon successful implementation of the mitigation measures as stipulated by the LOA.

APPENDIX B

Community Development Block Grant Superstorm Sandy Disaster Recovery Program

This Appendix may be amended in accordance with Stipulation VI.D of this Agreement.

The State's housing recovery programs are designed to meet the unmet housing needs of communities most impacted by Superstorm Sandy including the costs of repairs, reconstruction and new construction that insurance, FEMA and any other sources of funding does not cover. The general objectives of the program include assisting people directly affected by Superstorm Sandy; through replacing and rehabilitating homes, including identifying opportunities for mitigation enhancement measures and improving the resilience of their homes while restoring their buildings/residences.

The program will assist eligible homeowners on a first-come, first-serve basis in order of program priorities. The maximum grant award for each eligible property owner is \$150,000. The assistance provided will be secured with a five-year Deferred Forgivable Promissory Note that bears no interest. If the homeowner sells, transfers, or vacates the property for any period of time during the term of the five year Note, the repayment terms will be enforced.

Owner-Occupied Rehabilitation and Rebuilding Program (OORR): The Owner Occupied Rehabilitation and Rebuilding program is designed to assist homeowners directly affected by Superstorm Sandy through replacing and rehabilitating homes, including identifying opportunities for mitigation enhancement measures and improving the resilience of their homes while restoring their buildings/residences.

Scatter Site Rehabilitation and Rebuilding Program (SSRR): The Scattered Site Rehabilitation and Rebuilding program is design is to assist rental property owners affected by Superstorm Sandy. This program will provide funding to rental property owners that need only rehabilitation assistance and to those that need substantial rehabilitation or reconstruction assistance as well as mitigation.

Owner-Occupied Mitigation Program (OOM): The Owner-Occupied Mitigation Program is design is to assist homeowners directly affected by Superstorm Sandy to improve the resilience of their homes which includes the elevation of their homes above the Base Flood Elevation.

Owner-Occupied Reimbursement Program (OOR): The Owner Occupied Reimbursement Program is designed to reimburse program-eligible applicants who used personal funds to repair Superstorm Sandy damage to their homes or to rebuild their destroyed homes. Homeowners who sustained damage to their primary residential property as a result of the Superstorm Sandy and have repaired their property may be eligible for reimbursement, in whole or in part, for out-of-pocket funds spent repairing their property.

APPENDIX C

CATEGORICALLY EXCLUDED ACTIVITIES

In addition to projects and activities that are either exempt under HUD regulations (24 CFR Part 58.34) or are categorically excluded as not subject to review of the laws listed at 24 CFR Part 58.5 in accordance with 24 CFR Part 58.35(b), the signatories to this agreement concur that the following types of activities do not have the potential to cause adverse effects to historic properties, assuming such historic properties are present, and therefore DOH has no further obligations under Section 106.

These Categorical Exclusions (Exclusions) apply to all DOH CDBG-DR that will have limited or no effect on historic properties, either because the Undertakings do not “have the potential to cause effects on historic properties, assuming such historic properties were present,” pursuant to 36 C.F.R. § 800.3(a)(1), the work will be conducted in previously disturbed areas, or the repairs will meet specific standards. As set forth at Stipulation III.B., projects falling under one or more of these Exclusions will require review by qualified DOH staff, but do not require review by the SHPO.

Exclusions are organized into various categories of activities based on the types of disaster related work typically funded by DOH's CDBG-DR Program (Appendix B). The laws of the State of Connecticut shall govern the activities and work performed in accordance with this Agreement, so long as such laws are not federally preempted. This Appendix may be amended in accordance with Stipulation VI.D of this Agreement.

When referenced in an Exclusion, “in-kind” shall mean that the repair is done with the same material, or a close match when original materials are no longer produced, and will match all physical and visual aspects of existing historic materials, including form, color, and workmanship. “In-kind” mortar will also match the strength, content, color and joint tooling of historic mortar.

When referenced in the Exclusions, previously disturbed soils refers to soils that are not likely to possess intact and distinct soil horizons and which have the reduced likelihood of possessing archaeological artifacts, features, and phenomena within their original depositional contexts.

Section 1 *Administrative Costs and Non –Brick and Mortar Financial Assistance*

- A. Economic development activities including equipment purchase, inventory financing, interest subsidy, operating expenses, and similar costs on associated with construction or expansion of existing operations where physical improvements, if any, will be limited to those listed in Excluded Activity 3.1—3, below;
- B. Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payments assistance, interest buydowns, interim mortgage assistance, and similar activities that result in the transfer of title where no change in use will occur and physical improvements, if any, will be limited to those listed in Excluded Activities 3.1 –3, below;
- C. Building acquisition where physical improvements, if any, will be limited to those listed in Excluded Activity 3.1 – 3, below.

Section 2 *Undertakings Involving Ground Disturbance Non-Specific Activities*

If the project will **NOT** involve buildings, districts, objects, structures, defined sites, or cultural landscapes that are 50 years or age or older in the Area of Potential Effects, there are no triangle sites within 1-mile of the APE **AND** either of the following conditions is met, SHPO does not need to review the project regardless of activity. Document how the project meets the qualifying criteria on an Excluded from SHPO Review Form for submittal to DOH.

Qualifying Criteria:

- A. The Area of Potential Effects (APE) was intensively surveyed after 1989, determined by the federal agency not to contain historic properties, and this finding was accepted by the Connecticut SHPO. This requires consultation with Office of the State Archaeologist or *I-SitesPro* online databases to determine.
- B. The APE has been profoundly disturbed. *Profound disturbance* as it relates to the APE occurs when a past activity or activities have physically altered the *three-dimensional* APE of an undertaking *in its entirety* to the point where there is no potential for an archaeologically significant property to remain.

Specific Excluded Activities

When the following ground disturbing activities are proposed for any project locations not meeting the Qualifying Criteria, they will be considered excluded from further review by the SHPO or ACHP, because the activities have limited potential to adversely affect historic properties (some exceptions noted in *italics* below):

- A. Photoscopic pictures of water and/or sewer pipe.
- B. Re-lining of non-historic water and/or sewer pipe (i.e., plastic, clay, concrete).
- C. Point repairs of water and/or sewer pipe.
- D. Hydrant replacements.
- E. Manholes cover replacements.
- F. New/replacement service lines and related appurtenances involving boring or slit trenches up to one (1) foot in width and 100 feet in length.
- G. Equipment replacement, purchase, removal, and/or installation.
- H. Disturbances confined to the current footprint of an existing facility compound, such as water and/or sewer treatment plants.
- I. Directional boring of utility lines without sending and receiving pits.
- J. Connecting pits relating to directional boring for utility lines no bigger than 10 feet by 10 feet.
- K. In-place replacement of water and/or sewer mains, if no known National Register of Historic Places listed or eligible properties, including sites and historic districts, are within the Area of Potential Effects and no triangle sites are within 1-mile of the APE.
- L. Wells in existing well fields.
- M. Test boring/well sites to determine soil suitability, if no recorded archeological sites are in the vicinity.
- N. Replacement of concrete or asphalt sidewalks.
- O. Replacement of water towers on the same parcel when that parcel is less than one (1) acre in size, if water tower to be demolished is less than 50 years old and the new tower is not more than a 10% increase in capacity or an increase of more than 20 feet in height as compared to the existing water tower.
- P. Utility upgrades without land disturbance.
- Q. Parking lot rehabilitation or construction of less than one (1) acre in size, located on rowcropped agricultural land, provided that any ground disturbance activities will be confined to the plowzone, which generally extends 10 to 12 inches below the surface.
- R. Overhead power line replacement.

- S. Resurfacing and/or rehabilitation of existing concrete or asphalt roads, drives, or entries where the area is within both existing horizontal and vertical alignment. *This does not apply to roads found eligible for listing on the National Register of Historic Places.*
- T. Conversion of an existing gravel road to concrete or asphalt where the area is within both existing horizontal and vertical alignment. *This does not apply to roads found eligible for listing on the National Register of Historic Places.*
- U. Pavement widening and/or shoulder construction and the addition of auxiliary lanes, such as turn lanes or climbing lanes where the area is within both existing horizontal and vertical alignment of an existing right of way. *This does not apply to roads found eligible for listing on the National Register of Historic Places.*

Section 3 Undertakings Involving Architectural/Historical Resources

Non-Specific Excluded Activities

If any of the following conditions are met, SHPO does not need to review the architectural portion of a project regardless of activity. Document how the project meets the qualifying criteria on an Excluded from SHPO Review Form for submittal to DOH.

Qualifying Criteria:

- a. The Project will involve a building of any type that is less than 50 years old.
- b. The Area of Potential Effect (APE) has been intensively surveyed by a professional historian or architectural historian within the last 10 years, determined not to contain historic properties, and the finding was accepted by the Connecticut SHPO.
- c. The APE was subject to a reconnaissance survey conducted by a professional historian or architectural historian as a result of the 2008 natural disasters (e.g., those surveys conducted through the Connecticut Homeland Security and Emergency Management for FEMA undertakings), determined not to contain historic properties, and the Connecticut SHPO accepted the finding.
- d. The Project will involve a building that has been reviewed by the SHPO within the last years and found to be “not eligible” for listing on the National Register of Historic Places.

Specific Excluded Activities

When the following activities are proposed for any architectural properties not meeting the Qualifying Criteria, they will be considered excluded from further review by the SHPO, because the activities have limited potential to adversely affect historic properties (some exceptions noted in *italics* below). Document how the project meets the qualifying criteria on an Excluded from SHPO Review Form.

A. Exterior Rehabilitation

- a) Caulking and weather stripping in a color complementary to the adjacent surfaces
- b) Scraping, extremely low-pressure (less than 100 psi) washing, and/or repainting of exterior cladding. *This does not apply to destructive surface preparation treatments, such as water blasting, sand or other particle blasting, power sanding, or chemical cleaning.*
- c) Repair or in-kind replacement of windows (i.e., new windows will duplicate the material, dimensions, design, detailing, and operation of the extant or known historic windows), as follows (*this does not apply to the replacement of existing archaic, decorative, or architectural/structural glass*):
 - i. Repair, scrape, paint, and re-glaze existing windows.
 - ii. Repair or in-kind replacement of window sash, glass, and/or hardware, including jam tracks. Consideration should be given first to identifying ways to repair rather than replace damaged historic materials.

- iii. Repair or in-kind replacement of damaged and non-operable transoms. Consideration should be given first to repair rather than replacement of damaged historic materials.
- d) Installation of storm windows and doors provided that they conform to the shape and size of the historic windows and doors. The meeting rail of storm windows must coincide with that of the existing sash. Color should complement trim; mill finish aluminum is not acceptable.
- e) Repair or in-kind replacement (i.e., the new features will duplicate the extant material, dimensions, and detailing) of the following features (*consideration should be given first to identifying ways to repair rather than replace damaged historic materials*):
 - i. Porches - railings, post/columns, brackets, cornices, steps, flooring, ceilings, and other decorative treatments.
 - ii. Roofs.
 - iii. Siding.
 - iv. Exterior architectural details and features.
 - v. Doors, including cellar/bulkhead doors.
 - vi. Gutters and downspouts.
- f) Repair or reconstruction of concrete/masonry walls, parapets, chimneys, or cornices, provided any new masonry or mortar matches the color, strength, composition, rake, and joint width of existing walls, and no power tools are used on historic materials. (*Work on historic masonry must follow the guidance provided in Preservation "Brief #2: Repointing Mortar Joints in Historic Masonry Buildings," currently found online at <http://www.nps.gov/history/hps/tps/briefs/brief02.htm>.*)
- g) Bracing and reinforcing of chimneys and fireplaces, provided the bracing and reinforcing are either concealed from exterior view or removable in the future.
- h) Construction or replacement of wheelchair ramps provided the ramps are on secondary façades and will not directly impact the material fabric of the building.
- i) Installation of temporary wheelchair ramps on any façade.
- j) Substantial repair or in-kind replacement of signs or awnings. *This does not apply to historic sign—painted, neon, or otherwise.*

B. Interior Rehabilitation

- a) Non-destructive or concealed testing for damage assessment or identification of hazardous materials (e.g., lead paint, asbestos, etc.).
- b) Plumbing rehabilitation/replacement, including pipes and fixtures when no structural alteration is involved. *This does not apply to historic fixtures, which must be repaired for this allowance to apply.*
- c) HVAC system rehabilitation, replacement, and/or cleaning, including furnaces, pipes, ducts, radiators, or other HVAC units when no structural alteration or exposed new ductwork is involved. *This does not apply to historic fixtures, which must be repaired for this allowance to apply.*
- d) Electrical wiring, including switches and receptacles. *This Allowance does not apply to exposed wiring such as surface mounted wiring, conduits, piping, or to the installation of new systems where they will affect significant interior features.*
- e) Replacement of interior fire detection, fire suppression, or security alarm systems. *This Allowance does not apply to exposed wiring such as surface mounted wiring, conduits, piping, or to the installation of new systems where they will affect significant interior features.*
- f) Restroom improvements for handicapped accessibility provided the work is contained within existing restroom and significant interior features (e.g., historic trim or architectural details) are not altered.

- g) Repair or in-kind replacement of interior floors, walls, and ceilings. This applies to the repair of interior finishes, including plaster and wallboard, provided the repair is restricted to the damaged area and does not affect adjacent materials. *This does not apply to historic architectural finishes such as decorative plaster or plaster substrates for decorative materials such as murals, gold leaf, etc.*
- h) Installation of drywall over existing wall surface, provided no decorative plaster or other decorative features are being covered.
- i) Installation of insulation in ceilings, attic spaces, and crawl spaces.
- j) Installation of insulation in wall spaces provided an appropriate interior vapor barrier or vapor barrier paint is used and historic exterior clapboards are removed and reinstalled carefully. *This does not apply to the installation of urea formaldehyde foam insulation or any other thermal wall insulation containing water.*
- k) Repair or pouring of concrete cellar floor in an existing cellar.
- l) Repair or replacement of cabinets and countertops. *Historic "built-in" cabinets must be repaired for this to apply.*

C. Site Improvements

- a) Repair or in-kind replacement of driveways, parking lots, and walkways, although consideration should be given first to repair rather than replacement of damaged historic materials whenever feasible.
- b) Repair or in-kind replacement of non-historic landscaping and utilities, such as paving, planters, trellises, irrigation, and lighting.
- c) Repair or in-kind replacement of fencing and other exterior retaining or freestanding walls, provided masonry and mortar matches the color, strength, composition, rake, and joint width of historic wall and no power tools are used on historic materials. *(Work on historic masonry must follow the guidance provided in Preservation "Brief #2: Repointing Mortar Joints in Historic Masonry Buildings," currently found online at <http://www.nps.gov/history/hps/tps/briefs/brief02.htm>.)*

APPENDIX D STANDARD TREATMENT MEASURES

If Undertakings result or will result in adverse effects, DOH and SHPO may develop a treatment measure plan that includes one or more of the following Standards Treatment Measures, depending on the nature of historic properties affected and the severity of adverse effects. This Appendix may be amended in accordance with Stipulation VI.D of this Agreement.

A. Recordation Package

1. State-Level Documentation: Prior to project implementation, DOH shall oversee the successful delivery of a State Level Documentation Report (Appendix E) prepared by staff or contractors that meet the Secretary's Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate. For the purposes of this Agreement, the State-Level Documentation Reports will be considered complete and in compliance with the documentation standards when they include, at a minimum:
 - a. Representative photo-documentation of the exterior features and architectural details of the affected buildings, and representative views of the affected building in the context of the abutting properties. Printed digital photographs of a minimum resolution of 250 dpi will be considered an acceptable substitute for 35mm photography, provided that the printed digital photographs are produced on acid-free archival stock. *Interior photo-documentation as part of this Standard Treatment will only be required when DOH and SHPO concur that such documentation is appropriate for a specific property.*
 - b. A concise narrative history of the property, and an appropriate historical context.
 - c. To the extent feasible and in consultation with SHPO, DOH State-Level Documentation Reports prepared for multiple properties within a individual historic districts will be combined into more comprehensive reports. Subsequent State-Level Documentation of historic properties from the same historic districts will be submitted as Addenda.
 - d. DOH shall submit the State-Level Documentation Report to the SHPO for review and approval. SHPO will respond within 10 days of receipt with approval or any requests for amendments. If SHPO does not respond within the specified timeframe, DOH may assume SHPO approval and proceed with the project. If SHPO approves the Report or fails to respond within 10 days of its receipt of the Report, DOH will submit to SHPO two (2) bound copies of the Report. SHPO shall retain one copy for its records and transfer the second copy for permanent

B. Design Review by SHPO

Prior to project implementation, DOH, shall work with the SHPO to develop a historically sensitive construction approach. Plans and specifications will, to the greatest extent feasible, preserve the basic character of a building with regard to the design, scale,

massing, fenestration patterns, orientation and materials of the original building (see Appendix G). Primary emphasis shall be given to the major street elevations that are visible. Significant contributing features (e.g. trim, windows, doors, porches) will be repaired or replaced with either in-kind materials or materials that come as close as possible to the original materials in basic appearance. Aesthetic camouflaging treatments such as use of veneers, paints, texture compounds and other surface treatments and/or use of sympathetic infill panels and landscaping features, such as vegetative screening of elevation structures (see Appendix H), will be employed to the greatest extent feasible. Final construction drawings used in the bidding process will be submitted to the SHPO for review and comment prior to the award of a construction contract and the initiation of construction activities.

C. Public Interpretation

Prior to project implementation, DOH, will work with the SHPO to design an educational interpretive plan. The plan may include signs, displays, educational pamphlets, websites and other similar mechanisms to educate the public on historic properties within the local community, state, or region. Once an interpretive plan has been agreed to by the parties, SHPO and DOH will continue to consult throughout implementation of the plan until all agreed upon actions have been completed by DOH.

D. Historical Context Statements and Narratives

Prior to project implementation, DOH will work with the SHPO to determine the topic and framework of a historic context statement or narrative DOH shall be responsible for completing. The statement or narrative may focus on an individual property, a historic district, a set of related properties, or relevant themes as identified in the statewide preservation plan.

Once the topic of the historic context statement or narrative has been agreed to, the DOH shall continue to coordinate with the SHPO through the drafting of the document and delivery of a final product. The SHPO shall have final approval over the end product. DOH will use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

E. Oral History Documentation

Prior to project implementation, DOH, DESPP/DEMHS, and DEEP, as appropriate, and DOH will work with the SHPO to identify oral history documentation needs and agree upon a topic and list of interview candidates. Once the parameters of the oral history project have been agreed upon, DOH shall continue to coordinate with the SHPO through the data collection, drafting of the document, and delivery of a final product. The SHPO shall have final approval over the end product. DOH will use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

F. Historic Property Inventory

Prior to project implementation, DOH will work with the SHPO to identify the parameters of historic property inventory efforts. Efforts may be directed toward the resurvey of previously designated historic properties and/or districts which have undergone change or lack sufficient documentation, or the survey of new historic properties and/or districts that lack formal designation. Once the boundaries of the survey area have been agreed upon, DOH shall continue to coordinate with the SHPO through the data collection process. DOH will use SHPO standards for the survey of historic properties and SHPO forms. DOH will prepare a draft inventory report, according to SHPO templates and guidelines, and work with the SHPO until a final property inventory is approved. DOH will use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

G. National Register and National Historic Landmark Nominations

Prior to project implementation, DOH will work with the SHPO to identify the individual properties that would benefit from a completed National Register or National Historic Landmark nomination form. Once the parties have agreed to a property, DOH shall continue to coordinate with the SHPO through the drafting of the nomination form. The SHPO will provide adequate guidance to DOH during the preparation of the nomination form and shall formally submit the final nomination to the Keeper for inclusion in the National Register. DOH will use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

APPENDIX E

STATE-LEVEL DOCUMENTATION STANDARDS

Documentation Standards for Connecticut's Cultural Resources

CECE SAUNDERS AND ROBERT MOORE (As Amended by SHPO)

"Have you finished all that writing and picture taking? Can we tear the bridge down, now?" It is a critical moment of second thoughts and nagging doubts. Unnerving questions hang in the air as the demolition contractor awaits your answer. . . .

Introduction

Connecticut's heritage resources, which date from its early days as a colony up to the recent past, are often in danger of being removed from the landscape in order to accommodate 21st-century needs: safer and wider bridges, additional housing, water and sewer improvements, and commercial development.

Despite extensive consultation and inter-agency efforts to examine alternatives, significant buildings, structures, objects, and sites from Connecticut's past may be lost. Historic houses and factories may face demolition, and picturesque narrow bridges may be threatened with replacement. The Connecticut State Historic Preservation Office has established specific standards for ensuring appropriate written and photographic documentation of important cultural resources before the contractor swings a wrecking ball. Adhering to these professional standards will ease the burden of responsibility when State Historic Preservation Office sanctioned destruction is imminent. In addition, these standards represent a good approach for documenting threatened historic properties irrespective of state and/or federal involvement.

The following documentation guidelines provide for a comprehensive written and photographic record that will ultimately be deposited by the State Historic Preservation Office with the University of Connecticut's Thomas J. Dodd Research Center as part of the Connecticut Historic Preservation Collection. Once properly accessioned by the Dodd Center, these narrative and photographic materials will be publicly available to be retrieved for students, concerned citizens, and others.

When a state agency proposes actions that would alter or destroy a potentially significant resource, and no feasible or prudent alternative exists, the State Historic Preservation Office evaluates the project and decides upon an appropriate level of documentation. The State Historic Preservation Office's decision is based upon numerous considerations, among which are the following:

- ❖ Is the property of local, state, or national significance?
- ❖ Is the property individually eligible for the National Register of Historic Places or a contributing component of an eligible historic district?
- ❖ What is the property's overall degree of integrity?
- ❖ How does the property compare to similar resources within the community and the state?
- ❖ Does the property convey important associations with the community's historical development?

- ❖ Does the project propose total demolition, major alterations, or minor modifications of the resource?
- ❖ Are there nearby associated historic properties or an historic landscape that will be radically altered by the proposed undertaking?

If the State Historic Preservation Office decides to mandate professional completion of state-level documentation rather than recordation to the National Park Service's standards, the following guidelines will ensure a consistent level of quality in reports filed with the Connecticut Historic Preservation Collection.

Connecticut's documentation requirements are based on the well-established standards of the National Park Service's Historic American Buildings Survey (HABS) and the Historic American Engineering Record (HAER). Starting in the 1930s, the National Park Service, in coordination with state and local sponsors, has undertaken numerous HABS and HAER projects to document nationally significant historical resources. The projects have created important archival materials that preserve a record of the nation's residential, commercial, public, monumental, religious, military, and industrial buildings, sites, and structures. This method of saving our collective past through professionally implemented and extensively-detailed studies, which are deposited with the Library of Congress for permanent archiving and public accessibility, has been very effective in preserving information on our nation's cultural heritage.

Over the last two decades, the overwhelming majority of HABS and HAER documentation efforts have been the direct result of federally-mandated cultural resource reviews undertaken in accordance with the Section 106 process of the National Historic Preservation Act of 1966. These environmental review submittals currently constitute one-third of all HABS-HAER submissions to the Library of Congress.

The Connecticut State Historic Preservation Office believes that not all threatened cultural resources warrant the considerable expense and professional effort required by the National Park Service's HABS/HAER documentation standards. Consequently, the State Historic Preservation Office has developed its state-level documentation requirements as a viable alternative that provides an appropriate degree of professional recordation for properties of state and/or local importance. Equally important, the State Historic Preservation Office's partnership with the Dodd Research Center at the University of Connecticut provides greater and easier public accessibility and ensures long term archival preservation of the documentation for soon-to-be demolished cultural resources.

State-Level Documentation Standards

All written and photographic state-level documentations must be submitted for review by the State Historic Preservation Office. If accepted, the State Historic Preservation Office will transfer the materials to the Dodd Research Center, which will then include the document title, author, date, and location in its *User's Guide to the Connecticut Historic Preservation Collection* (<http://chpc.lib.uconn.edu>). The collection expects these documents will be used by both present-day and future researchers. Consequently, all submitted materials must be both archivally stable and user-friendly. Because of the Dodd Research Center's storage and retrieval requirements, all

components of the documentation must be consistently labeled with the name of the property and its town and properly cross-referenced with other parts of the documentation package.

Each submittal must include a brief explanatory cover letter which indicates the specific project and agency that generated the submitted materials. In addition, there are four primary components which compose the total documentation package required by the State Historic Preservation Office. Discussed in greater detail on the following pages, these components include narrative text, photographs (including negatives or electronic media), an index to the photographs, and a photographic site plan.

Narrative Text

The narrative text serves to describe the physical condition and historic use(s) of threatened properties and in effect becomes an archival epitaph. As such, the descriptive text that accompanies the photographs should be comprehensive, yet succinct. The actual number of pages of written text will vary depending upon the importance and complexity of each historic property. The text should include a brief statement of purpose for the documentation study; that is, an explanation or identification of the proposed project and the future use of the property should be provided. While it is unnecessary and undesirable to present a lengthy discussion and/or justification for the proposed demolition or other alterations, a brief recapitulation of the site-specific federal or state review and consultation process is required.

There is no preferred or predetermined format for the narrative text, but it should follow a logical presentation and include sufficient material to fully describe the site history, physical environment, and context of the threatened cultural resource, including a discussion of comparable properties. When safe and accessible, both the exterior and interior conditions of historic structures must be described and evaluated. The State Historic Preservation Office strongly recommends that the historical and archival research for the narrative text should precede the photographic documentation process in order to give the photographer a clear understanding of what is critical to capture on film, such as any particular views, architectural components, or small-scale details that may have been identified as important. Although it is inappropriate to duplicate existing reports, pertinent documents should be referenced and repositories for original plans, shop drawings, historic photographs, and similar archival documents should be listed by full name and address.

Where requested by SHPO, multiple property documentations may be combined. In such multiple property documentations, the narrative text should be subdivided into a general (collective) context of the subject properties and succinct property specific sections for each individual property. Additional properties may be added to such multiple property documentations as addenda. Consultants are advised to consult with SHPO prior to preparation of a multiple property documentation.

Checklist for State-Level Written and Photographic Documentation Submission:

- ☐ Cover letter to State Historic Preservation Office of Department of Economic & Community Development.
- ☐ Narrative text
- ☐ Site location noted on appropriate portion of USGS topographical quadrangle map
- ☐ Original photographs or high quality prints on acid-free archival stock
- ☐ Negatives or electronic image files on CD-ROM/USB Flash Drive

The text should reference the accompanying photographs by number (see Index to Photographs) in order to guide the reader through the narrative. If available, at least one historic map, reproduced on archival paper with the project area clearly annotated, should also be included. Historic newspaper accounts and photographs can also be included as a supplement to the narrative text.

Production specifications for the text are straightforward. A title page should clearly identify the historic (and common) name of the property, its specific location (street address and town), the preparer of the narrative text (name, affiliation, and address), and the responsible agency with address, date, and town; abbreviations should not be used. Text must be printed, on one side only, on 8 1/2" x 11" archival paper (a list of suppliers of archival materials is included with this essay). Each page of text should contain an appropriate footer and/or header that includes the name of the property, the town name, and a sequential page number. A bibliography should include, where appropriate, repositories of archival sources (cited and non-cited) and identification of individuals who provided pertinent observations or personal recollections. The property's location must be clearly noted on an acid-free 8 1/2" x 11" photocopy of the appropriate U.S. Geological Survey quadrangle map, with the name of the quadrangle clearly indicated.

Binding

Do not use staples, paper clips, or any adhesive products. If the documentation package is less than 50 pages, submit the material unbound in an acid-free archival folder, unless otherwise requested by SHPO. If the documentation text exceeds 50 pages, front and back covers should consist of acid-free card stock with the addition of clear plastic protector pages over the covers; bind the text and covers with a plastic comb.

Photographs

There is no prescribed maximum or minimum number of photographic views that are required for any particular resource, whether a one-lane rural iron-truss bridge, an isolated farmstead, an urban streetscape, or a multi-structure industrial complex. Simply, the photographic recordation must be adequate to convey the important elements of the historic resource. The sequence of views should

NEVER USE:

- X staples
- X paper clips
- X ballpoint pen
- X glue/adhesive/tape products

be organized in a logical pattern, such as beginning with wider contextual (exterior) perspectives and ending with specific details.

Excessive and redundant photographs are to be avoided; well-focused and properly-centered perspectives showing all elevations are usually sufficient for a simple historic property. The physical context of the historic resource, e.g., streetscapes, significant landscape components, and other associated environmental or cultural features, can often be conveyed with one or two views. Two views (opposing perspectives) should be sufficient to document sculptural ornamentation. However, once in the field, the photographer should select as many views and details as seem appropriate. Although undeveloped as actual prints, redundant views should be retained on the negative strips (if applicable); these will become an integral component of the final submission of documentation materials.

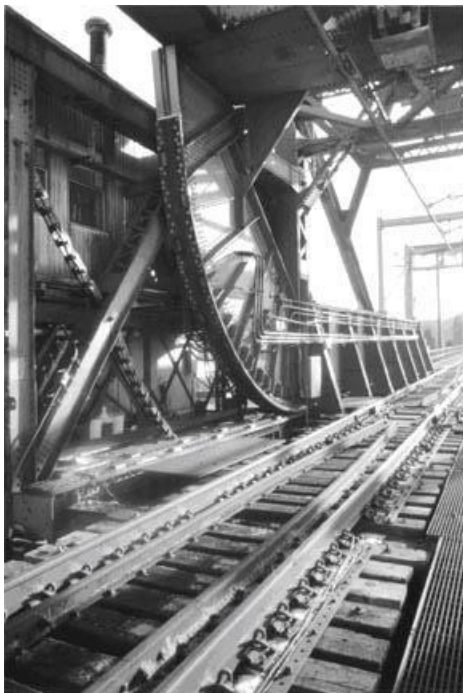


Connecticut River Railroad Bridge, Old Lyme - Old Saybrook, camera facing northwest (HPI photograph).

Exterior photographs should include general views of the resource (e.g., streetscapes and related landscape settings) as well as detailed views of functional and/or decorative design elements that are of engineering, industrial, or architectural interest. Particular attention should be addressed to both out of the ordinary elements and the overall character that identify the historic resource, i.e., its period of construction, its massing, size, and materials, and its unique use(s) through time. One should also not overlook the small-scale details that serve to define the character of a historic property.

Cultural material encountered during research and/or field investigation can humanize the story of any soon-to-be-demolished resource. For example, in the case of an historic industrial property, photographs that capture time clocks, safety signage, inspection records, manufacturer's plates, extant machinery, and historic graffiti can contextualize the resource in its time and place and connect it with its local community.

Questions concerning the extent of the photographic documentation effort can arise when archival research has revealed a wealth of architect's plans, construction or shop drawings, postcard collections, business management papers, etc. In this situation, the State Historic Preservation Office should be contacted to decide whether it would be best to include text notations on the extent and location of original archival materials or, alternatively, photographic reproductions of all or a sample of the archival materials. The State Historic Preservation Office should also be contacted regarding appropriate guidance and decision-making on the possible retention and donation of archival materials.



Detail of chain drive and roller segment, Niantic River Railroad Bridge, East Lyme, camera facing southwest (HPI photograph).

Photographic Specifications A major goal for documentation standards is the permanence of the photographic record. Black-and-white images taken with a 35mm camera and printed on specific silver-emulsion paper have been 89 acceptable for decades. New technology now affords options in the type of camera used in documentation. Digital color images that meet a permanence standard of 75 years are now acceptable. Specifications for both types of cameras are presented below.

35mm Cameras. Traditional black-and-white film, such as Kodak Plus X™, should be used. At present, popular chromogenic black-and-white films, which share more similarities with color films than with traditional black-and-white films, do not meet an acceptable permanency threshold. Archival acid-free photographic paper and archivally-stable chemicals are required for the photo-

development process.

Digital Cameras. Digital cameras must be capable of producing an image size of 6 megapixels, with 7 megapixels (or greater) preferred. A camera of this capability will allow some cropping without dropping below the minimum final image size. Equally important is the quality of the camera's lens; a camera with a low-quality lens will produce poor images regardless of its image size.

Black-and-white prints from digital cameras can be printed in-house without going to a special production lab, as long as a combination of archival inks and premium photo paper is used. Currently, Hewlett-Packard Vivera™ ink cartridges can be used with HP Premium and Premium

Plus Glossy photo paper to meet the 75-year permanence standard, as can Epson UltraChrome™ pigmented inks with Epson Premium papers. Electronic images corresponding to the submitted photographs must also be submitted.

Electronic image files must be saved as uncompressed .TIF (Tagged Image File format) files on CD-ROM media or USB Flash Memory Media, in keeping with guidance on digital photographic records issued by the National Archives and Records Administration. The minimum size of each image must be 1600 x 1200 pixels saved at 300 ppi (pixels per inch), unless otherwise requested. It is recommended that digital images be saved in 24-bit RGB or 32-bit CMYK color format, which provides maximum detail even when printed in black-and-white. The CD-ROM/Flash Drive label must reference the Town and Property Name. The file name for each electronic image must include the photograph number corresponding to the number in the index and the number written on the back of the printed photograph.

One set of original photographs or one set of high quality prints of digital photographs is required.

- When using 35mm, the preferred format is 3" x 5" black-and-white prints (4" x 6" is also acceptable, but nothing larger). Each photograph should be slipped into an individual archival sleeve. Each archival sleeve must be annotated with the name of the historic property, its specific street address and town, and its corresponding photograph number. Photographs must be numbered in a logical and sequential series. Numbers should be noted on back of each photograph with a soft #2 or softer pencil and must be consistent with the assigned numbers on the photographic site plan and the index to photographs. When labeling the back of the photographs, place individual photographs on a hard surface and press lightly, so that the emulsion on the front surface is not broken.
- When using digital photographs, a maximum of two images per letter-sized page is allowable. Each such image should be individually captioned with the name of the historic property, its specific street address and town, and its corresponding photograph number. Photographs must be numbered in a logical and sequential series.

If 35mm photography is used, one full set of uncut negatives stored in archival quality, multiple-strip sleeve sheets is also required. The sleeves are to be annotated, prior to inserting negatives, using a soft pencil, with the town and property name and/or street address. Negatives are extremely fragile and should be kept in their sleeves. If negatives must be handled, it is imperative to limit contact to their edges and use lint-free archival gloves (the body acids from a fingerprint can destroy the archival stability of photographic negatives).

Index of Photographs

An index, or list, that identifies all the printed photographs must be included. The list should be dated and labeled by town, location, project number (if any), and the photographer's name. An identifying footer and/or header must be on each page of the list, but the margins are not regulated. As with the narrative documentation, the Index of Photographs should be printed on only one side of acid-free, 8 1/2" x 11" paper. Each photograph must be numbered in logical and sequential order and must include a short descriptive caption (see accompanying photographs).

The direction of the view, or camera angle, must also be provided. In addition, simple orientation cues may be helpful (e.g., "Main Street in foreground").

Photographic Site Plan

Coordinated with the Index to Photographs, the Photographic Site Plan literally depicts the position of the photographer when taking each specific view of the threatened historic resource. A simple plan, or footprint, of the historic property, whether a bridge, single family residence, commercial block, industrial complex, or streetscape, is the basis for the Photographic Site Plan. An existing drawing or plan may be used and annotated with appropriate photograph numbers and directional arrows. Directional arrows serve to depict the photographer's perspective. The Photographic Site Plan should include a north arrow and identify at least two landmarks, such as adjoining streets, nearby structures, or prominent environmental features.

All annotations should be completed prior to reproduction on acid-free, 8 1/2" x 11" paper. In addition, the Photographic Site Plan must be dated and labeled by town, location, project number (if any), and the photographer's name. An identifying footer and/or header must be on the key map, but the margins are not regulated.

Figure 1 provides an acceptable example of a Photographic Site Plan.

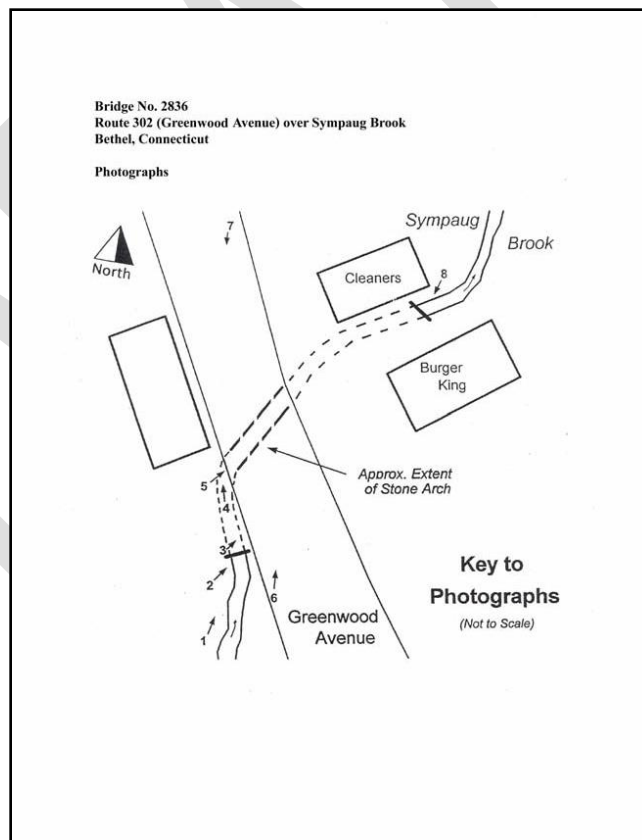


Figure 1: Example of Photographic Site Plan.

Sources for Archival Materials:

Conservation Resources International LLC

5532 Port Royal Road Springfield, VA 22151

800-634-6932, 703-321-0629 (fax)

www.conservationresources.com

Gaylord Brothers, Inc.

P.O. Box 4901 Syracuse NY 13221-4901

800-448-6160, 800-272-3412 (fax)

www.gaylord.com

Hollinger Corporation

P.O. Box 8360 Fredericksburg, VA 22404

800-634-0491, 800-947-8814 (fax)

www.hollingercorp.com

Light Impressions Corporation

P.O. Box 787 Brea, CA 92822-0787

800-828-6216, 800-828-5539 (fax)

www.lightimpressionsdirect.com

Printfile, Inc.

P.O. Box 607638 Orlando, FL 32860-7638

800-508-8539, 800-546-4145 (fax)

www.printfile.com

Pohlig Bros., Inc.

8001 Greenpine Road Richmond, VA 23237

804-275-9000, 804-275-9900 (fax)

www.pohlig.com

TALAS

20 West 20th Street – 5th Floor New York, NY 10011

212-219-0770, 212-219-0735 (fax)

www.talasonline.com

University Products

517 Main Street Holyoke, MA 01040

800-628-1912, 800-532-9281

www.universityproducts.com

APPENDIX F

Guidance for the Unanticipated Discovery of Human Remains

The Connecticut shoreline and the banks of our major rivers were first settled by Native Americans thousands of years ago and these same areas supported generations of Native people. The graves and remains of Native Americans are present in many areas that are now residential neighborhoods. Colonial graves and other historic burials may also be found outside of formally marked cemeteries and burial grounds. These remains are highly sensitive and are protected from unreasonable destruction under Connecticut state law. The following guidance is intended to provide you with an understanding of what the legal protections for human remains are and what steps you and your contractors need to take should you encounter possible graves or human remains during the course of construction on your project. Exposure of graves or human bones is a rare event, but you need to understand your responsibilities if this occurs on your property.

Connecticut General Statute Sec. 10-388 requires that anyone who knows or reasonably believes that human remains are being exposed or disturbed shall immediately notify the Chief Medical Examiner and the State Archaeologist of this fact.

Section 10-388 (a) Any person who knows or reasonably believes that any human burials or human skeletal remains are being or about to be disturbed, destroyed, defaced, removed or exposed shall immediately notify the Chief Medical Examiner and State Archaeologist of such fact. If human burials or human skeletal remains are encountered during construction or agricultural, archaeological or other activity that might alter, destroy or otherwise impair the integrity of such burials or remains, the activity shall cease and not resume unless authorized by the Chief Medical Examiner and the State Archaeologist provided such authorization shall be made within five days of completion of the investigation of the Chief Medical Examiner pursuant to subsection (b) of this section.

Once notified, the Chief Medical Examiner and the State Archaeologist will consult to determine if the remains are human and whether the remains are archaeological in nature. If both of these conditions are true, the State Archaeologist will determine whether the remains are Native American or non-Native in origins and initiate consultations with the property owner and other parties. Within 72 hours, the State Archaeologist, in consultation with the property owner, will determine the appropriate course of action, which may include, where feasible, preservation in place, or relocation.

If preservation in place is not feasible, the State Archaeologist will work the other parties to respectfully recover and relocate the remains and any associated materials from the property. Most such recovery efforts are completed in five days or less.

Failure to immediately notify the State Archaeologist and Chief Medical Examiner when graves or human remains are discovered may subject you and/or your contractors to legal penalties under Section 10-390. Those penalties include fines of up to \$5,000 and imprisonment for up to five years.

When to notify.

It is important to be cautious when any medium to large sized bones are encountered. Although skulls (crania), teeth, and the bones of the hands and feet are distinctive and relatively easy to recognize when complete, many remains are fragmentary. Bones found in dark soils or with artifacts, such as pottery, copper, or shell, beads, are more likely to be human. For historic burials, grave shafts are often visible in the soils and fragments of wood from caskets may also be found near the bone. If you encounter bones which you suspect *may* be human, contact the State

Archaeologist for guidance. If you encounter buried remains which are clearly human, stop all work in the area of the discovery and notify the State Archaeologist and the Chief Medical Examiner immediately.

Who to notify:

State Archaeologist

University of Connecticut, Storrs

Dr. Brian Jones

Brian.D.Jones@uconn.edu

(860) 486-5248

Chief Medical Examiner

James R. Gill, MD

jgill@ocme.org

1-800-842-8820 (CT only)

(860) 679-3980

APPENDIX G

SHPO Guidance for Elevating Historic Properties

CT SHPO has developed the following guidelines and recommendations for the elevation of historic properties in order to assist HUD and FEMA with meeting their obligations under Section 106 of the National Historic Preservation Act.

The State Historic Preservation Office is aware that the elevation of many properties may be necessitated by changes to local, state, and federal ordinances, regulations or funding requirements. Although the following guidelines are intended to assist in planning for the elevation of historic buildings in a manner that is least destructive to the historic integrity of the subject buildings, it is important to recognize that some elevations will result in an adverse effect to the subject building; that is, the elevation will alter the historic building to the extent that its condition will no longer effectively convey its historic materials, design, location or setting. In the absence of detailed guidance from the National Park Service, who establishes the Secretary of the Interior's Standards for the Treatment of Historic Properties, our office has prepared this document to help identify best practices for Connecticut's significant historic buildings which may be subject to elevation.

When elevation of an historic property is appropriate.

When a historic building has been damaged by flooding and federal funding is available to repair the damage and mitigate the risk of subsequent flooding, funding agencies should assess whether alternative treatments are feasible. SHPO has received the following guidance from NPS regarding elevations:

The relationship of a structure to grade is always important in defining its historic and visual character. Raising or elevating a historic property is therefore generally discouraged without first considering whether there are other feasible alternatives that would require less change to its character. Potential alternatives to elevating a property may include, but are not limited to:

- *temporary or permanent flood protection, flood proofing, or other exterior/interior measures to make the structure more resilient to flooding and protect against hazards,*
- *site or landscaping changes (such as regrading or constructing a berm),*
- *moving/relocating the resource to another location), or*
- *raising or elevating a property in combination with flood protection measures or other site or landscaping changes in order to reduce the magnitude of change in elevation, and, thus, reduce the impact on the historic and visual character of the structure.*

Where such measures are infeasible, the funding agency should assess the minimum necessary height to which a historic building can be elevated to meet current program or regulatory requirements. The potential for adverse effects to the historic integrity of buildings is increased with

height. A four foot elevation may result in no adverse effects to a historic property when a six or eight foot elevation would substantially alter the building's original design and relationship to its surroundings.

It is the position of CT SHPO that elevating historic properties, even when such results in an adverse effect to the historic integrity of the building or historic district of which it is part, is preferable to demolition. Where current flood hazard regulations, building codes, or insurance requirements essentially render a building unusable in its historic condition, then elevations may be necessary to prevent the loss of the building. CT SHPO will therefore work with funding agencies to identify means of streamlining the mitigation of adverse effects for such circumstances to ensure that our state's communities are provided with the best opportunities to recover from recent disasters and prepare for those we can anticipate in the future.

Consideration of proposed alterations to the existing design of an historic building is highly dependent on the specific context of each property. Many of Connecticut's shoreline communities have suffered substantial damage in previous coastal storms and, consequently, elevations have a long history of their own. One of the important considerations for SHPO is how the subject building relates to the surrounding historic buildings. This is important, as the majority of our historic properties are elements ("contributing resources") of historic districts. Where a substantial percentage of homes in a historic district have already been elevated, the changes to the visual character of the district caused by the elevation of a single building may be relatively minor. The architectural style and construction of a building also plays an important role in establishing whether a proposed elevation will result in a major change to the historic design and setting of the building. As an example, elevating a formal Greek Revival-style home will generally be more disruptive to the historic integrity of the building than a comparable elevation of a simple vernacular beachfront cottage. The latter house would typically be constructed on a massive stone or brick foundation, may include columns, and to a great extent is defined by its solid connection to ground and relationship to the streetscape. The latter building is more likely to appear consistent with elevated buildings found up and down the eastern seaboard, as this type of building has been adapted and re-adapted to many settings while retaining its essential "beach house" character and design. The size and proportions of the historic building to be elevated relative to the height of the elevation is another consideration. A eight foot elevation of a four story building will change the appearance, but have a less substantial effect to the historic proportions of the structure relative to a similar elevation of a narrow and small two-story house. Finally, the relationship of the original structure to adjacent features, such as roadways should also be considered. In general, raising a historic building which had a base elevation below street level will be less obtrusive than raising a house which was already set substantially above the street.

In general, design considerations should include:

- Properties outside of coastal communities should not be elevated, as this is not a historic practice and is more likely to contrast sharply with surrounding historic buildings. If the elevated historic building will "stick out" in the neighborhood, it's very likely an adverse effect.
- The height of an elevation should not exceed the pre-elevation height of the property, and ideally should not exceed the elevation of the historic first story.
- All designs should take into account the existing height and style of the surrounding buildings. Uniformly elevated historic buildings in a district are less obtrusive than a "broken" streetscape composed of inconsistently elevated (in height) and non-elevated buildings.

- All designs must maintain as much of the historic structure and character as possible, including doorways, windows, porches and other exterior features.
- The front door must remain a means of egress. Removal of the front door very often results in a major change to the historic design and appearance.
- Add-on designs including new porches, decks, and additions should be avoided. If the addition of a porch is necessary for the egress, the design should be as small and simple as possible and designed in a manner sympathetic to the historic style and character of the building.
- For beachfront properties, buildings should be elevated using open wood or concrete piers or concrete blocks; enclosed spaces beneath beachfront properties should be avoided as they may substantially change the scale and massing of the historic building.
- Low elevations (four feet or less) may be successfully designed with breakaway walls or other treatments that extend the design of the original structure down to the ground surface, particularly when the existing building is large. The break between the original structure and the elevated section should be visible through the incorporation of horizontal trim or other elements to distinguish the historic construction from the new.
- Where appropriate for the environmental setting, simple vegetative screens may help reduce the visual impact of the elevation and provide a stronger visual connection between the historic building and the ground surface.



This is an example of an elevated property that no longer retains its front door as a means of egress.



This is an example of an elevated property where the property maintained the front door egress and although a porch was added, it is appropriate in scale. In addition, the height of the property is similar to the height of the surrounding buildings



This is an example of an elevated property where the front door is maintained and it was placed on concrete piers and simple breakaway walls. The new height of the property fits with the context of the neighborhood.



This elevation also maintains its front door egress with the access on the side of the building.

APPENDIX H

LANDSCAPING GUIDANCE FOR ELEVATED HISTORIC BUILDINGS

For those projects which have already proceeded to construction for which there are potential adverse effects to the historic integrity of historic building, the following treatments may be implemented to mitigate those potential adverse impacts.

Visual screening of the structural elements constructed to elevate the historic buildings should be accomplished through the selective planting of appropriate shrubs, grasses, and other plants that will obscure the new structural elements. The intent of the screening is to allow the newly elevated building to better blend in with the surrounding landscape and to decrease the visual presence of the new construction. Plant selection should be made based on the environmental characteristics of the project site, space constraints, and the anticipated size at maturity for the species and varieties selected. As each site is unique, the specific plants selected will vary, but generally should not substantially exceed the height of the elevation structure at maturity. For example, if a house is elevated twelve (12) feet above its historic condition, shrubs or other plantings with a mature height of less than fifteen (15) feet should be selected to screen the new structural elements. Where feasible, the applicant shall select conifers or other evergreen species which provide consistent screening throughout the year. Where such selections are inappropriate due to space constraints or environmental characteristics, ornamental grasses species which retain foliage through the winter months or deciduous shrubs may be substituted.

Applicants shall provide to DOH a concise narrative description and sketch planting plan showing the locations and types of plants which will be used relative to the newly elevated historic house or other building. DOH shall provide these materials to SHPO for review and comment prior to approving the application. If SHPO does not provide comments or request additional information within 10 days of receipt of these materials, DOH may assume SHPO's approval and proceed with closing of the application.